

House Bill 1466

By: Representatives Lunsford of the 110th, Forster of the 3rd, Yates of the 73rd, and Knight of the 126th

A BILL TO BE ENTITLED

AN ACT

To amend Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to the emergency telephone number 9-1-1 system, so as to define certain terms; to provide for a 9-1-1 surcharge on prepaid wireless service subscriptions; to provide for the collection of such surcharge and the deposit of the same into the state treasury; to provide for the Emergency 9-1-1 Assistance Fund; to provide a statement of intent vis-a-vis the appropriation of funds; to provide for the lapse of unexpended amounts; to provide for administration of the fund by the Department of Community Affairs; to provide for assistance grants to local governments operating or implementing emergency 9-1-1 systems; to provide for the Emergency 9-1-1 Assistance Fund Committee; to provide for membership, appointment, and terms; to provide that such committee shall make decisions relating to awarding assistance grants; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to the emergency telephone number 9-1-1 system, is amended by striking in its entirety paragraph (7) of Code Section 46-5-122, relating to definitions, and inserting in lieu thereof the following:

"(7) 'Exchange access facility' means the access from a particular telephone subscriber's premises to the telephone system of a service supplier. Exchange access facilities include service supplier provided access lines, PBX trunks, and Centrex network access registers, all as defined by tariffs of the telephone companies as approved by the Georgia Public Service Commission. Exchange access facilities also include voice over Internet protocol service suppliers. Exchange access facilities do not include service supplier owned and

operated telephone pay station lines, Wide Area Telecommunications Services (WATS), Foreign Exchange (FX), or incoming only lines."

SECTION 2.

Said part is further amended by inserting immediately following paragraph (17) of Code Section 46-5-122, relating to definitions, two new paragraphs to read as follows:

"(17.1) 'Voice over Internet protocol' means a technology that permits a voice conversation using a voice connection to a computer, whether through a microphone, a telephone, or other device, which sends a digital signal over the Internet through a broadband connection to be converted back to the human voice at a distant terminal.

(17.2) 'Voice over Internet protocol service supplier' means a person who supplies voice over Internet protocol capabilities to subscribers for a fee."

SECTION 3.

Said part is further amended by inserting immediately following Code Section 46-5-134.1 a new Code section to read as follows:

"46-5-134.2.

(a) A 9-1-1 surcharge shall be imposed on all prepaid wireless service subscriptions in the amount of \$1.50 per month as provided in this Code section.

(b) For a customer with prepaid wireless telephone service, the prepaid wireless service supplier shall charge that customer's prepaid service by either:

(1) Charging to the customer's prepaid account the amount of the monthly surcharge when the balance of the prepaid account is greater than or equal to the monthly surcharge provided for in subsection (a) of this Code section; or

(2) Dividing the total prepaid wireless telephone revenue earned and received in the state in a calendar month during the surcharge period by \$50.00 and multiplying the quotient by the monthly surcharge provided for in subsection (a) of this Code section.

(c) Each prepaid wireless service supplier shall collect the surcharge provided for in this Code section and remit the same monthly to the Department of Community Affairs. The department shall deposit all funds received into the general fund of the state treasury in compliance with Article 4 of Chapter 12 of Title 45, the 'Budget Act.'

(d) There is created the Emergency 9-1-1 Assistance Fund to be administered by the Department of Community Affairs. It is the intention of the General Assembly that an amount equal to the amount deposited into the general fund of the state treasury as provided in subsection (c) of this Code section be appropriated each year to the fund; provided, however, that any such funds unused at the end of each fiscal year shall lapse

1 back into the state treasury as required by Article III, Section IX, Paragraph IV of the
2 Constitution. The governing authority of a local government which operates or is in the
3 process of implementing an emergency 9-1-1 system may apply to the department for an
4 assistance grant. The department shall by rule or regulation provide for the application
5 process and for the administration of the fund. Decisions on the issuance of assistance
6 grants shall be made by the Emergency 9-1-1 Assistance Fund Committee established by
7 subsection (e) of this Code section.

8 (e) There is established the Emergency 9-1-1 Assistance Fund Committee to be composed
9 of five members appointed by the Governor to serve terms of four years. Members may
10 be appointed to succeed themselves. The Governor shall designate one member as
11 chairperson. Members may be appointed from the public or private sectors. Members of
12 the committee appointed from the private sector shall serve without compensation, but all
13 members shall be entitled to receive the same per diem expense authorized by law for
14 members of the General Assembly, payable from the Emergency 9-1-1 Assistance Fund.
15 The committee shall meet at the call of the chairperson as needed to make determinations
16 on applications for assistance grants as provided in subsection (d) of this Code section.
17 The Department of Community Affairs shall provide clerical and technical services to the
18 committee."

19 **SECTION 4.**

20 All laws and parts of laws in conflict with this Act are repealed.